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Counsel for Defendants Philips North America LLC, and Lite-On Sales & Distribution, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS ANTITRUST LITIGATION

Case No. 3:15-cv-03248 RS

Case No. 3:15-cv-06325 RS

MDL Case No. 3:10-md-2143 RS

This Document Relates to:

Alfred H. Siegel v. Sony Corporation et al.

Peter Kravitz v. Sony Corporation et al.

**DECLARATION OF TIFFANY B.
GELOTT IN SUPPORT OF
DEFENDANTS PHILIPS NORTH
AMERICA LLC AND LITE-ON
SALES & DISTRIBUTION, INC.'S
JOINT MOTION FOR SUMMARY
JUDGMENT**

1 I, Tiffany Gelott, declare and state as follows:

2 1. I am an associate with Baker Botts LLP, attorneys for Philips North America LLC
 3 and Lite-On Sales & Distribution, Inc. in the above-captioned action. I am a member of the bar of
 4 the District of Columbia and have been admitted to practice before this Court in this matter *pro*
 5 *hac vice.*

6 2. I make this declaration in support of Defendants Philips North America LLC and
 7 Lite-on Sales & Distribution, Inc.'s Joint Motion for Summary Judgment. The information
 8 contained herein is based on my own personal knowledge, and if called as a witness I could, and
 9 would, testify competently that the matters set forth herein are true.

10 3. Attached hereto as Exhibit A is a true and correct copy of an excerpt of the
 11 Deposition of Kenneth Rubenstein (December 8, 2016) ("Rubenstein Dep.").

12 4. Circuit City and RadioShack never served any interrogatories or document
 13 requests regarding PNA or LSDI.

14 5. Circuit City and RadioShack did not probe the subject of PNA or LSDI's
 15 involvement in the conspiracy at any witness deposition.

16 6. PNA and LSDI were not mentioned substantively at any PLDS witness deposition.

17 7. Circuit City and RadioShack did not ask a single question about PNA or LSDI at
 18 any fact or expert deposition.

19 8. On December, 8, 2016, Kenneth Rubenstein, an attorney engaged by members of
 20 the DVD3c and DVD6c patent pools to evaluate patents in connection with those pools, testified
 21 that he had never heard of LSDI. Mr. Rubenstein also testified that he was not certain of PNA's
 22 connection to Philips.

23 9. Plaintiffs' expert reports and rebuttals only mention PNA or LSDI when listing
 24 defendants.

25 10. The expert reports of Dr. Frankel, who determined damages allegedly caused by
 26 the conspiracy to Circuit City and RadioShack, do not include any evidence of damages
 27 specifically caused by PNA or LSDI.

1 11. The expert reports of Dr. Hayes, who opines on the existence of an overarching
2 conspiracy in the ODD industry, do not identify any specific evidence against PNA or LSDI tying
3 them to the conspiracy.

4 12. There was no testimony regarding PNA or LSDI at any expert witness depositions.

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6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on June 30, 2017 in Washington, D.C.

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9 /s/ Tiffany B. Gelott

10 Tiffany B. Gelott

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28 GELOTT DECL. ISO PNA AND LSDI JOINT MOTION
FOR SUMMARY JUDGMENT